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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,258	06/09/2005	Reza Serafat	P3017US00	3299
36671 7590 07/14/2010 DITTHAVONG MORI & STEINER, P.C. 918 Prince Street Alexandria, VA 22314				
EXAMINER HENRY, THOMAS HAYNES				
ART UNIT 3714		PAPER NUMBER		
NOTIFICATION DATE 07/14/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

### Office Action Summary

**Application No.**

10/538,258

**Applicant(s)**

SERAFAT, REZA

**Examiner**

THOMAS H. HENRY

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 14, 16, 17 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14, 16, 17 and 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, 7, 9, 10, 14, 17, 18, 20, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Unreal Tournament 2003 (game) as evidenced by Unreal Tournament 2003 Game Manual and theadminpage.planetunreal.gamespy.com. (relied upon as extrinsic evidence only)

3. In re claims 1, 10, 14, 18, and 19 Unreal Tournament 2003 discloses

- Running on an apparatus of a first player a multi player game application (Game Manual page 9)
- Causing at least in part, by the apparatus actions that result in reception of an indication that a second player of another apparatus taking part in said multi-player game is absent, and continuing the game by the apparatus as the first player and the second player by at least simulating the participation of said second player who is actually absent (Game Manual page 9. You can set a minimum number of players such that if a player drops out of a multi-player match, and the total number of players falls below the minimum number, the player is replaced with a bot. A bot simulates the participation of a player in

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that it attempts to get kills. This is evidenced by

[theadminpage.planetunreal.gamespy.com](http://theadminpage.planetunreal.gamespy.com) page 5)

4. Applicant also claims the components necessary to run the method described (such as memory and a processor). (game manual page 2)
5. In re claim 2, Unreal Tournament 2003 discloses a network based multiplayer game (game manual page 9. The internet is a network)
6. In re claim 6, Unreal Tournament 2003 discloses said indication that a player is absent comprises a notification received from said absent player (a player "forfeits" to disconnect from the server as the indication that he is leaving. Game manual page 9)
7. In re claim 7, Unreal Tournament 2003 discloses sending a notification to at least one of said players of said multi-player game said notification comprising an information that the participation of at least one player is actually simulated (when a player disconnects, a new player with a bot name will be added to the score list)
8. In re claim 9, Unreal Tournament 2003 discloses terminating by the apparatus said simulation of the participation if said absent player returns to the game (if the player returns, he will take the place of one of the bots, [theadminpage.planetunreal.gamespy.com](http://theadminpage.planetunreal.gamespy.com) page 5)
9. In re claim 17, Unreal Tournament 2003 discloses said simulation comprising an artificial intelligence component
10. In re claims 20 and 23, Unreal Tournament 2003 discloses activating a failsafe option to continue the game when the first player becomes unavailable

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(the listen server may continue running even if the first player must step away from the computer.)

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3-5 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unreal Tournament 2003 in view of Begis (US 6024643).

13. In re claims 3 and 26, Unreal tournament 2003 discloses the claimed invention except the invention claimed in claim 3, However Begis discloses

- Monitoring by the apparatus the inputs of at least one player of said multi-player game (column 1 lines 5-11)
- Analyzing by the apparatus said inputs to determine gaming characteristics of said at least one monitored player, said gaming characteristics including one or more preferred key input combinations (column 1 lines 5-11)
- Simulating by the apparatus the participation of said monitored player who became absent in correspondence with said determined gaming characteristic (column 2 lines 65-67, column 3 lines 1-12)

14. It would have been obvious to one skilled in the art at the time the invention was made to combine Unreal Tournament 2003 with Begis in order to allow for a more realistic experience.

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15. In re claim 4, Begis discloses simulating said game and a result of said simulated game based on said determined gaming characteristics of said at least one absent player (column 3 lines 15-22) and while the game is going on, displaying the rest of the game as simulated at a speed faster than the actual time (column 6 lines 20-45)

16. In re claim 5, Begis discloses transferring said determined gaming characteristics to another gaming device (column 6 lines 36-52)

17. Claims 8, 16, 21, 22, 24, and 25 are rejected under 35 U.S.C 103(a) as being unpatentable over Unreal Tournament 2003.

18. In re claim 8, Unreal tournament 2003 discloses the claimed invention except for interruption of said game if all players are absent. However official notice is taken that stopping a game where all the players are bots was a well known technique. It would have been obvious to one skilled in the art at the time the invention was made to stop the game when all players stopped playing because the game would no longer have any active members interested in the game.

19. In re claims 16, 21, and 22 Unreal Tournament 2003 discloses the claimed invention except for the apparatus and the another apparatus are a mobile telephone. , or that the second player becomes absent due to a wireless disconnection or incoming message or call of the another apparatus However playing first person shooters on mobile telephones was well known in the art at the time the invention was made. It would have been obvious to one skilled in the art at the time the invention was made to combine Unreal Tournament 2003

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with this well known gaming device in order to allow for the game to be played on a phone. Furthermore, official notice is taken that the unavailability being caused by answering a call or by a loss of wireless signal is known in the art, and it would have been obvious to one of ordinary skill in the art that Unreal Tournament played on a mobile device may cause disconnects for reasons such as these, thus it would have been obvious to allow for the invention described above to be used for disconnects under these circumstances.

### ***Response to Arguments***

20. Applicant's arguments filed 1/04/10 have been fully considered but they are not persuasive.

21. Applicant argues that the 102(b) rejection is based off of a publication entitled "Unreal Tournament 2003 Game Manual". This statement is false. The rejection is based off of the video game entitled "Unreal Tournament 2003". The way that this video game works is evidenced by the game manual and an online article that describe how the game works.

22. Applicant argues that the newly amended claims overcome the rejection, however as Unreal Tournament teaches that the game may be played on a listen server, and that the server can substitute a bot for the absence of a second player, these new limitations do not overcome the prior art of record.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS H. HENRY whose telephone

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number is (571)270-3905. The examiner can normally be reached on M-F 9 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
Primary Examiner, Art Unit 3714

Thomas H Henry  
Examiner  
Art Unit 3714